

**FCC Form 481 - Carrier Annual Reporting
Data Collection Form**

FCC Form 481
OMB Control No. 3060-0986/OMB Control No. 3060-0819
July 2013

<010> Study Area Code	492268
<015> Study Area Name	WESTERN NEW MEXICO
<020> Program Year	2014
<030> Contact Name: Person USAC should contact with questions about this data	Nancy May
<035> Contact Telephone Number: Number of the person identified in data line <030>	575-388-2546
<039> Contact Email Address: Email of the person identified in data line <030>	wmtaccounting@wmt.com

ANNUAL REPORTING FOR ALL CARRIERS			54.313 Completion Required	54.422 Completion Required
(check box when complete)				
<100> Service Quality Improvement Reporting	(complete attached worksheet)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<200> Outage Reporting (voice)	(complete attached worksheet)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<210> <input checked="" type="checkbox"/> <-- check box if no outages to report				
<300> Unfulfilled Service Requests (voice)	10	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<310> Detail on Attempts (voice)	492268nm310 (attach descriptive document)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<320> Unfulfilled Service Requests (broadband)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<330> Detail on Attempts (broadband)	(attach descriptive document)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<400> Number of Complaints per 1,000 customers (voice)		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<410> Fixed	1.59			
<420> Mobile	0.0			
<430> Number of Complaints per 1,000 customers (broadband)		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<440> Fixed	0.0			
<450> Mobile	0.0			
<500> Service Quality Standards & Consumer Protection Rules Compliance	(check to indicate certification)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<510> 492268nm510	(attached descriptive document)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<600> Functionality in Emergency Situations	(check to indicate certification)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<610> 492268nm610	(attached descriptive document)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<700> Company Price Offerings (voice)	(complete attached worksheet)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<710> Company Price Offerings (broadband)	(complete attached worksheet)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<800> Operating Companies and Affiliates	(complete attached worksheet)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<900> Tribal Land Offerings (Y/N)? <input checked="" type="radio"/> <input type="radio"/>	(if yes, complete attached worksheet)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<1000> Voice Services Rate Comparability	(check to indicate certification)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<1010> <input type="checkbox"/>	(attach descriptive document)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<1100> Terrestrial Backhaul (Y/N)? <input checked="" type="radio"/> <input type="radio"/>	(if not, check to indicate certification)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<1110>	(complete attached worksheet)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<1200> Terms and Condition for Lifeline Customers	(complete attached worksheet)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Price Cap Carriers, Proceed to Price Cap Additional Documentation Worksheet

Including Rate-of-Return Carriers affiliated with Price Cap Local Exchange Carriers

<2000>	(check to indicate certification)	<input type="checkbox"/>	<input type="checkbox"/>
<2005>	(complete attached worksheet)	<input type="checkbox"/>	<input type="checkbox"/>

Rate of Return Carriers, Proceed to ROR Additional Documentation Worksheet

<3000>	(check to indicate certification)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<3005>	(complete attached worksheet)	<input type="checkbox"/>	<input type="checkbox"/>

**(100) Service Quality Improvement Reporting
Data Collection Form**

FCC Form 481

OMB Control No. 3060-0986/OMB Control No. 3060-0819

July 2013

<010>	Study Area Code	492268
<015>	Study Area Name	WESTERN NEW MEXICO
<020>	Program Year	2014
<030>	Contact Name - Person USAC should contact regarding this data	Nancy May
<035>	Contact Telephone Number - Number of person identified in data line <030>	575-388-2546
<039>	Contact Email Address - Email Address of person identified in data line <030>	wnmtaccounting@wnmt.com
<110>	Has your company received its ETC certification from the FCC?	(yes / no) <input type="radio"/> <input checked="" type="radio"/>
<111>	If your answer to Line <110> is yes, do you have an existing §54.202(a) "5 year plan" filed with the FCC?	(yes / no) <input type="radio"/> <input checked="" type="radio"/>

If your answer to Line <111> is yes, then you are required to file a progress report, on line <112> delineating the status of your company's existing § 54.202(a) "5 year plan" on file with the FCC, as it relates to your provision of voice telephony service.

- <112> Attach Five-Year Service Quality Improvement Plan or, in subsequent years, your annual progress report filed pursuant to 47 C.F.R. § 54.313(a)(1). If your company is a CETC which only receives frozen support, your progress report is only required to address voice telephony service.

Name of Attached Document (.pdf)

Please check these boxes below to confirm that the attached PDF, on line 112, contains a progress report on its five-year service quality improvement plan pursuant to § 54.202(a). The information shall be submitted at the wire center level or census block as appropriate.

- <113> Maps detailing progress towards meeting plan targets
 <114> Report how much universal service (USF) support was received
 <115> How (USF) was used to improve service quality
 <116> How (USF) was used to improve service coverage
 <117> How (USF) was used to improve service capacity
 <118> Provide an explanation of network improvement targets not met in the prior calendar year.

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

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-- See attached worksheet --

<701>	Residential Local Service Charge Effective Date	1/1/2013
<702>	Single State-wide Residential Local Service Charge	18.25

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[illegible]

**(800) Operating Companies
Data Collection Form**

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OMB Control No. 3060-0986/OMB Control No. 3060-0819
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<039>	Contact Email Address - Email Address of person identified in data line <030>	wnmtaccounting@wnmt.com
<810>	Reporting Carrier	Western New Mexico Telephone Company, Inc.
<811>	Holding Company	LICT Corporation
<812>	Operating Company	Western New Mexico Telephone Company, Inc.

[illegible]

**(900) Tribal Lands Reporting
Data Collection Form**

FCC Form 481

OMB Control No. 3060-0986/OMB Control No. 3060-0819

July 2013

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<039>	Contact Email Address - Email Address of person identified in data line <030>	wnmtaccounting@wnmt.com
<910>	Tribal Land(s) on which ETC Serves	Alamo Navajo Tribal Authority

<920> Tribal Government Engagement Obligation

492268nm920

Name of Attached Document (.pdf)

If your company serves Tribal lands, please select (Yes,No, NA) for each these boxes to confirm the status described on the attached PDF, on line 920, demonstrates coordination with the Tribal government pursuant to § 54.313(a)(9) includes:

- <921> Needs assessment and deployment planning with a focus on Tribal community anchor institutions;
- <922> Feasibility and sustainability planning;
- <923> Marketing services in a culturally sensitive manner;
- <924> Compliance with Rights of way processes
- <925> Compliance with Land Use permitting requirements
- <926> Compliance with Facilities Siting rules
- <927> Compliance with Environmental Review processes
- <928> Compliance with Cultural Preservation review processes
- <929> Compliance with Tribal Business and Licensing requirements.

Select (Yes,No, NA)
Yes
Yes
Yes
Yes
Yes
Yes
Yes
Yes

**(1100) No Terrestrial Backhaul Reporting
Data Collection Form**

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<039>	Contact Email Address - Email Address of person identified in data line <030>	wnmtaccounting@wnmt.com

Please check this box to confirm no terrestrial backhaul
 <1120> options exist within the supported area pursuant to § 54.313(G)
 ☐

Please check this box to confirm the reporting carrier offers
 <1130> broadband service of at least 1 Mbps downstream and 256 kbps
 upstream within the supported area pursuant to § 54.313(G)
 ☒

(1200) Terms and Condition for Lifeline Customers
Lifeline
Data Collection Form

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<039>	Contact Email Address - Email Address of person identified in data line <030>	wnmtaccounting@wnmt.com

<1210>	Terms & Conditions of Voice Telephony Lifeline Plans	492268nm1210
		Name of attached document (.pdf)
<1220>	Link to Public Website	HTTP http://www.wnmc.com/lifeline

"Please check these boxes below to confirm that the attached PDF, on line 1210, or the website listed, on line 1220, contains the required information pursuant to § 54.422(a)(2) annual reporting for ETCs receiving low-income support, carriers must annually report:

- <1221> Information describing the terms and conditions of any voice telephony service plans offered to Lifeline subscribers, ☒
- <1222> Details on the number of minutes provided as part of the plan, ☒
- <1223> Additional charges for toll calls, and rates for each such plan. ☒

(2000) Price Cap Carrier Additional Documentation

FCC Form 481

Data Collection Form

OMB Control No. 3060-0986/OMB Control No. 3060-0819

Including Rate-of-Return Carriers affiliated with Price Cap Local Exchange Carriers

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CHECK the boxes below to note compliance as a recipient of Incremental Connect America Phase I support, frozen High Cost support, High Cost support to offset access charge reductions, and Connect America Phase II support as set forth in 47 CFR § 54.313(b),(c),(d),(e) the information reported on this form and in the documents attached below is accurate.

Incremental Connect America Phase I reporting

- <2010> 2nd Year Certification {47 CFR § 54.313(b)(1)}
- <2011> 3rd Year Certification {47 CFR § 54.313(b)(2)}

☐
☐
Price Cap Carrier Receiving Frozen Support Certification {47 CFR § 54.312(a)}

- <2012> 2013 Frozen Support Certification
- <2013> 2014 Frozen Support Certification
- <2014> 2015 Frozen Support Certification
- <2015> 2016 and future Frozen Support Certification

☐
☐
☐
☐
Price Cap Carrier Connect America ICC Support {47 CFR § 54.313(d)}

- <2016> Certification Support Used to Build Broadband

☐
Connect America Phase II Reporting {47 CFR § 54.313(e)}

- <2017> 3rd year Broadband Service Certification
- <2018> 5th year Broadband Service Certification
- <2019> Interim Progress Certification
- <2020> Please check the box to confirm that the attached PDF, on line 2021, contains the required information pursuant to § 54.313 (e)(3)(ii), as a recipient of CAF Phase II support shall provide the number, names, and addresses of community anchor institutions to which began providing access to broadband service in the preceding calendar year.
- <2021> Interim Progress Community Anchor Institutions

☐
☐
☐
☐

Name of Attached Document Listing Required Information

**Certification - Reporting Carrier
Data Collection Form**

 FCC Form 481
 OMB Control No. 3060-0986/OMB Control No. 3060-0819
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TO BE COMPLETED BY THE REPORTING CARRIER, IF THE REPORTING CARRIER IS FILING ANNUAL REPORTING ON ITS OWN BEHALF:

Certification of Officer as to the Accuracy of the Data Reported for the Annual Reporting for CAF or LI Recipients	
I certify that I am an officer of the reporting carrier; my responsibilities include ensuring the accuracy of the annual reporting requirements for universal service support recipients; and, to the best of my knowledge, the information reported on this form and in any attachments is accurate.	
Name of Reporting Carrier:	WESTERN NEW MEXICO
Signature of Authorized Officer:	CERTIFIED ONLINE Date 10/14/2013
Printed name of Authorized Officer:	Nancy May
Title or position of Authorized Officer:	Secretary/Treasurer and Controller
Telephone number of Authorized Officer:	(575) 388-2546
Study Area Code of Reporting Carrier:	492268 Filing Due Date for this form: 10/15/2013
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	

**Certification - Agent / Carrier
Data Collection Form**

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<039>	Contact Email Address - Email Address of person identified in data line <030>	wnmtaccounting@wnmt.com

TO BE COMPLETED BY THE REPORTING CARRIER, IF AN AGENT IS FILING ANNUAL REPORTS ON THE CARRIER'S BEHALF:

Certification of Officer to Authorize an Agent to File Annual Reports for CAF or LI Recipients on Behalf of Reporting Carrier	
I certify that (Name of Agent) _____ is authorized to submit the information reported on behalf of the reporting carrier. I also certify that I am an officer of the reporting carrier; my responsibilities include ensuring the accuracy of the annual data reporting requirements provided to the authorized agent; and, to the best of my knowledge, the reports and data provided to the authorized agent is accurate.	
Name of Authorized Agent: _____	
Name of Reporting Carrier: WESTERN NEW MEXICO	
Signature of Authorized Officer: CERTIFIED ONLINE	Date: _____
Printed name of Authorized Officer: _____	
Title or position of Authorized Officer: _____	
Telephone number of Authorized Officer: _____	
Study Area Code of Reporting Carrier: 492268	Filing Due Date for this form: 10/15/2013
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	

TO BE COMPLETED BY THE AUTHORIZED AGENT:

Certification of Agent Authorized to File Annual Reports for CAF or LI Recipients on Behalf of Reporting Carrier	
I, as agent for the reporting carrier, certify that I am authorized to submit the annual reports for universal service support recipients on behalf of the reporting carrier; I have provided the data reported herein based on data provided by the reporting carrier; and, to the best of my knowledge, the information reported herein is accurate.	
Name of Reporting Carrier: WESTERN NEW MEXICO	
Name of Authorized Agent or Employee of Agent: _____	
Signature of Authorized Agent or Employee of Agent: CERTIFIED ONLINE	Date: _____
Printed name of Authorized Agent or Employee of Agent: _____	
Title or position of Authorized Agent or Employee of Agent: _____	
Telephone number of Authorized Agent or Employee of Agent: _____	
Study Area Code of Reporting Carrier: 492268	Filing Due Date for this form: 10/15/2013
Persons willfully making false statements on this form can be punished by fine or forfeiture under the Communications Act of 1934, 47 U.S.C. §§ 502, 503(b), or fine or imprisonment under Title 18 of the United States Code, 18 U.S.C. § 1001.	

Attachments

(800) Operating Companies**Data Collection Form**

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<811>	Holding Company	LICT Corporation
<812>	Operating Company	Western New Mexico Telephone Company, Inc.

<813>	<a1>	<a2>	<a3>
	Affiliates	SAC	Doing Business As Company or Brand Designation
	BRETTON WOODS TELEPHONE COMPANY, INC.	120038	Bretton Woods, World Surfer
	CASSADAGA TELEPHONE COMPANY	150076	Cassadaga, DFT, Netsync, DFT Communications
	DUNKIRK & FREDONIA TELEPHONE COMPANY	150091	Dunkirk & Fredonia Telephone, DFT, Netsync, DFT Communications
	UPPER PENINSULA TELEPHONE COMPANY	310732	Michigan Broadband Services, UPTC, MCBC, Alphacomm.net
	MICHIGAN CENTRAL BROADBAND COMPANY	310785	Michigan Broadband Services, MCBC, Alphacomm.net
	BELMONT TELEPHONE COMPANY	330847	Belmont, LaGrant Connections, LLC
	CUBA CITY TELEPHONE EXCHANGE COMPANY	330872	Cuba City, LaGrant Connections, LLC
	CENTRAL SCOTT TELEPHONE COMPANY	351125	Central Scott
	CST COMMUNICATIONS, INC.	359032	CST Communications, iWireless
	INTERCOMMUNITY TELEPHONE COMPANY	381616	InterCommunity
	HAVILAND TELEPHONE COMPANY, INC.	411780	Haviland, Giant Communications, Inc.
	J. B. N. TELEPHONE COMPANY, INC.	411785	J.B.N., Giant Communications, Inc.
	WESTERN NEW MEXICO TELEPHONE COMPANY, INC.	492268	WNM Communications
	CENTRAL UTAH TEL INC	502277	CentraCom Interactive
	SKYLINE TELECOM	502283	CentraCom Interactive
	BEAR LAKE COMM	503032	CentraCom Interactive
	CAL-ORE TELEPHONE COMPANY	542311	Cal-Ore
	Giant Communications, Inc.		Giant
	Alpha Enterprises Limited, Inc.		Alphacomm.net
	World Surfer, Inc.		World Surfer
	Netsync Internet Services Corporation		Netsync
	Valley Communications, Inc.		Valley
	Central Telcom Services, LLC		CentraCom Interactive

(800) Operating Companies Data Collection Form	FCC Form 481 OMB Control No. 3060-0986/OMB Control No. 3060-0819 July 2013
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July 2013

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Western New Mexico Telephone Company Lifeline Terms and Conditions

A. LIFELINE

1. **Lifeline** Effective no later than August 1, 2012, the Federal Communications Commission ("FCC") mandated a reduction in Lifeline support, which reduced the non-tribal federal credits to \$9.25. The New Mexico Public Regulation Commission ("NMPRC") has authorized an additional \$3.50 state credit that allows qualified Lifeline subscribers a total \$12.75 monthly credit towards their local telephone bill. The Company's voice lifeline plan includes unlimited local minutes-of-use within the toll-free calling area. The Company's voice lifeline plan does not include any free minutes-of-use for toll unless a "bundled minutes" package is chosen.
2. Western New Mexico Telephone Company ("WNMTC") supports and follows the guidelines set forth by the FCC and NMPRC. Individuals are eligible if they participate in one of the following programs:
 - a. Medicaid Program
 - b. Low-Income Home Energy Assistance Program (LIHEAP)
 - c. Food Stamp Program
 - d. Supplemental Security Income (SSI) Program
 - e. Federal Public Housing Assistance Program
 - f. Temporary Assistance for Needy Families (TANF)
 - g. National School Lunch Program, or
 - h. Household Income is at or below 150% of the federal poverty guidelines
3. Lifeline Service includes the services and functionalities enumerated by the F.C.C. as follows: voice grade access to the public switched network; local usage; dual tone multi-frequency signaling or its functional equivalent; single-party service or its functional equivalent; access to operator services; access to interexchange service; access to directory assistance; and toll blocking for qualifying customers who request toll blocking.
4. Other services can be provided with the Lifeline Service at applicable rates and charges.

B. ENHANCED TRIBAL LIFELINE

1. **Enhanced Tribal Lifeline** The FCC also established separate guidelines for Tribal Lifeline assistance, which set a maximum credit limit up to \$25.00, but the customer's bill for local services cannot be less than \$0.00. Currently the monthly charges for local telephone service for customers eligible for Tribal Lifeline assistance is \$0.00.
2. Western New Mexico Telephone Company ("WNMTC") supports and follows the guidelines set forth by the FCC and NMPRC. Individuals are eligible if they participate in one of the following programs:
 - a. Medicaid Program
 - b. Low-Income Home Energy Assistance Program (LIHEAP)
 - c. Food Stamp Program
 - d. Supplemental Security Income (SSI) Program
 - e. Federal Public Housing Assistance Program
 - f. Temporary Assistance for Needy Families (TANF)
 - g. National School Lunch Program, or
 - h. Household Income is at or below 150% of the federal poverty guidelines
 - i. Bureau of Indian Affairs General Assistance
 - j. Tribally Administered Temporary Assistance for Needy Families
 - k. Head Start (only those meeting income qualifying standard)
 - l. Food Distribution Program on Indian Reservations.
3. Lifeline Service includes the services and functionalities enumerated by the F.C.C. as follows: voice grade access to the public switched network; local usage; dual tone multi-frequency signaling or its functional equivalent; single-party service or its functional equivalent; access to operator services; access to interexchange service; access to directory assistance; and toll blocking for qualifying customers who request toll blocking.
4. Other services can be provided with the Lifeline Service at applicable rates and charges.

C. HOW DO TO GET MORE INFORMATION?

Call WNMTC's Business Office at 1-800-535-2330

Visit WNMTC's Website at www.wnmc.com/lifeline

Call the NMPRC at 1-505-827-4592

Visit the NMPRC Website at <http://nmprc.state.nm.us/consumer-relations/docs/litap-brochure.pdf> HOW TO APPLY?

Contact WNMT's Business Office at 1-800-535-2230 or download the form from our website and mail to:
Western New Mexico Telephone
PO Box 150, Cliff, NM 88028, or
Fax to 1-575-535-9908

File name: 492268nm310.pdf

Western New Mexico Telephone Company, Inc.
Line 310 – Unfulfilled Voice Telephony Service Requests Resolution

As required in 47 C.F.R. § 54.313(a)(3), the following provides the detailed description of how the Company attempted to provide service to potential customers whose initial requests for service were unfulfilled in 2012 in the service area in which the Company is designated as an ETC for facilities that the Company owns, operates, leases, or otherwise utilizes.

UNFULFILLED SERVICE REQUESTS – The Company had 10 unfulfilled voice service requests as of 12-31-2012 which generally fit into the following three categories.

- A. Seven (7) unfulfilled requests were due to customer issues such as the customer does not have a structure yet, the customer was not ready, the customer has not provided an easement, the customer is on BIA land and needs to open the ditch for the Company, etc.
- B. Two (2) unfulfilled requests were due to Aid to Construction fees based on the Company's tariff that were not paid by the customer.
- C. One (1) unfulfilled request was due to pending state highway permits.

GENERAL PROCESS: The first step in the process of providing service was to have the Company's technical staff determine if current facilities exist to the customer location. Based on the analysis, once it was determined that facilities do not currently exist, a route feasibility analysis is prepared including an estimate of what facilities would be needed and the cost to build to the customer. If the cost to build to that customer exceeds the amount for which Aid to Construction is to be paid by the customer as determined in the Company's tariff, an Aid to Construction proposal document was prepared and submitted to the customer to determine if the Customer was willing to pay a portion of the costs, as defined by the tariff. If the customer was willing to pay the Aid to Construction, as required by the tariff, the company proceeded applying for the appropriate permit(s) after checking easements, rights-of-way, etc. If the customer was not willing to pay the Aid to Construction, the customer was informed that the service cannot be installed at this time. The customer was encouraged to check with neighbors to see if others in their area would like service since multiple customer requests would reduce the cost to serve the customer.

DELAYS DUE TO PERMITS: In some cases, service installations become delayed due to permit(s) that are required to install the new facilities. The Company works with a myriad of government agencies and cannot install new facilities absent the appropriate government permit(s). In those cases, the Company informs the customer that we are awaiting permit(s)

and that the facilities will be installed once the appropriate permit(s) are obtained. In some cases, the governmental agency has taken multiple years to approve permit(s).

Please note that since the Company's territory is extremely rural, in areas where the Company does not own facilities, it is not possible to lease facilities from other companies since there are no other service providers in those extremely remote areas.

Western New Mexico Telephone Company, Inc.

Compliance with Service Quality Standards and Consumer Protection

As required in 47 C.F.R. § 54.313(a)(5) for High-cost Recipients, the following is a detailed description of how the Company complies with Service Quality Standards and Consumer Protection Rules.

SERVICE QUALITY STANDARDS: While as an incumbent rural telecommunications carrier in the state of New Mexico, the Company is exempted from the State Commission's requirements for service quality shown on Exhibit A, the Company has established internal goals that are consistent with New Mexico Public Regulation Commission 17.11.22 used for the non-rural telecommunications carriers. As such, the Company believes it is in compliance with industry service quality standards.

CONSUMER PROTECTION RULES:

The Company developed and implemented a Customer Proprietary Network Information ("CPNI") Compliance Manual and has appointed a CPNI Compliance Officer. Annually, the Company requires all employees to certify that they have reviewed and understand the CPNI Compliance Manual and that they understand that any violation of the Company's CPNI procedures may result in disciplinary action up to and including dismissal. The Company files an annual report with the Federal Communications Commission ("FCC") certifying compliance with the FCC's CPNI rules.

The Company also developed and implemented an Identity Theft Prevention Program Manual and has appointed a Red Flag Coordinator. Annually, the Company requires all employees certify that they have reviewed and understand the Identity Theft Prevention Program Manual. Further, employees must certify that they understand that any violation of the Company's identity theft prevention procedures may result in disciplinary action up to and including dismissal.

TITLE 17 PUBLIC UTILITIES AND UTILITY SERVICES
CHAPTER 11 TELECOMMUNICATIONS
PART 22 QUALITY OF SERVICE

17.11.22.1 ISSUING AGENCY: New Mexico Public Regulation Commission.
 [17.11.22.1 NMAC - Rp, 17.11.22.1 NMAC, 2-1-06]

17.11.22.2 SCOPE: This rule applies to all local exchange carriers, except incumbent rural telecommunications carriers, authorized by the commission to provide retail telecommunications services in New Mexico, except that 17.11.22.18 NMAC applies to all carriers offering operator assistance in New Mexico.

A. Where the commission has approved an alternative form of regulation plan for an ILEC, and a provision in the approved plan is inconsistent with a provision in this rule, the provision in the approved plan shall apply.

B. Where the commission has approved an alternative form of regulation plan for an ILEC, and the approved plan is silent with respect to the subject matter of a provision in this rule, the provision in this rule shall apply.
 [17.11.22.2 NMAC - Rp, 17.11.22.2 NMAC, 2-1-06]

17.11.22.3 STATUTORY AUTHORITY: NMSA 1978 Sections 8-8-4, 8-8-15, 63-9A-8.2, 63-9B-4, and 63-9B-6.
 [17.11.22.3 NMAC - Rp, 17.11.22.3 NMAC, 2-1-06]

17.11.22.4 DURATION: Permanent.
 [17.11.22.4 NMAC - Rp, 17.11.22.4 NMAC, 2-1-06]

17.11.22.5 EFFECTIVE DATE: February 1, 2006, unless a later date is cited at the end of a section.
 [17.11.22.5 NMAC - Rp, 17.11.22.5 NMAC, 2-1-06]

17.11.22.6 OBJECTIVE: The purpose of this rule is to establish standards, procedures, reporting requirements, penalties, and customer credits to ensure that carriers provide telecommunications services to retail customers at an adequate quality of service level and in a manner consistent with the promotion of universal service.
 [17.11.22.6 NMAC - Rp, 17.11.22.6 NMAC, 2-1-06]

17.11.22.7 DEFINITIONS: As used in this rule:

A. access line means a dial tone line that provides local exchange service from a carrier's switching equipment to a point of termination at the customer's network interface;

B. answer means a company representative is ready to assist the customer or is ready to accept information necessary to process the call;

C. basic local exchange service means the customer's voice grade access to the public switched network, dual tone multifrequency (DTMF) signaling or its functional equivalent, and access to emergency services (911 and E-911), operator services, toll services, directory assistance, and toll blocking services for qualifying low income customers;

D. busy hour means the uninterrupted period of sixty (60) minutes during the day when traffic is at a maximum;

E. carrier means any person that furnishes telecommunications service to the public subject to the jurisdiction of the commission, regardless of the facilities used and regardless of whether the person relies in part or entirely on another carrier's facilities;

F. circumstances beyond the reasonable control of an ILEC means delays caused by:

(1) a vendor in the delivery of necessary equipment or supplies, where the ILEC has made a timely order of the equipment or supplies;

(2) local or tribal government entities in approving easements or access to rights-of-way, where the ILEC has made a timely application for such approval;

(3) the customer;

(4) negligent or willful misconduct by third parties not in privity with the ILEC; or

(5) force majeure (meaning causes which are outside the control of the ILEC and could not be avoided by the exercise of due care, including but not limited to terrorism, explosions, fires, floods, severe storms, epidemics, civil unrest, wars, injunctions, strikes, work stoppages, and other emergencies and catastrophes);

G. competitive local exchange carrier (CLEC) means a carrier that provides competitive local exchange service in its service area and is not an ILEC;

H. customer means any person that has applied for or is currently receiving telecommunications services;

I. designed services means the provisioning of regulated circuits requiring treatment, equipment, or engineering design purchased from an ILEC's tariff or on an individual contract basis, including but not limited to analog private line services, DDS, DS-1 (including channelized), DS-3, ISDN-BRI, and special assemblies, where all facilities and equipment provided are physically located in the state of New Mexico;

J. discretionary services means voice mail, caller ID, caller name ID, call waiting, 3-way calling, call forwarding, call return, call blocker, and auto redial, and any similar service sold as an add-on to a customer's basic local exchange service;

K. end office switch means a switch to which a telephone subscriber is connected; frequently referred to as a class 5 office, it is the last central office before the subscribers (sic) phone equipment and is the switch that actually delivers dial tone to the subscriber;

L. facilities-based CLEC means a CLEC providing local exchange service that relies predominantly on its own facilities, including switching equipment, to route calls for at least twenty-five (25) percent of the local exchange access lines it serves;

M. held order means any order for telecommunications service that is not filled within the time frames set forth in 17.11.22.14 NMAC or within fifteen (15) calendar days of the time frames set forth in 17.11.22.12;

N. high density zone means all wire centers that the ILEC has classified within its lowest cost density pricing zone pursuant to 47 C.F.R. Section 69.123;

O. incumbent local exchange carrier (ILEC) means a person, or an affiliate of a person, that was authorized to provide local exchange service in New Mexico on February 8, 1996, or a successor or assignee of the person or affiliate; a carrier will also be treated as an ILEC if the federal communications commission determines that such provider (or class or category of carrier) shall be treated as an ILEC pursuant to 47 U.S.C; Section 251(h)(2) but does not include an incumbent rural telecommunications carrier;

P. incumbent rural telecommunication carrier (IRTC) has the meaning given in NMSA 1978 Section 63-9H-3;

Q. installation commitment means a date pledged by a LEC to provide basic local exchange service or designed services to a customer;

R. local exchange carrier (LEC) includes incumbent local exchange carriers and competitive local exchange carriers;

S. low density zone means all wire centers that the ILEC has classified within any zone other than the lowest cost density pricing zone pursuant to 47 C.F.R. Section 69.123;

T. primary local exchange line means the first exchange access line installed by a LEC to serve a customer at the customer's premises, as distinct from additional lines that may be ordered at the same or a subsequent time at the same premises;

U. repeat trouble report means a trouble report received within thirty (30) days of a closed trouble report on the same line regarding the same trouble;

V. tandem switch (local, access, or toll) means an intermediary switch or connection other than the end office switch between an originating call location and the final destination of a call; it serves to connect end office switches without the need for direct interoffice trunking;

W. trouble report means notification of trouble or perceived trouble by a subscriber, third party, or employee acting on behalf of a subscriber to a LEC's repair office; it shall include troubles reported on access lines by the LEC's own retail customers and the retail customers of LECs that purchase wholesale

services from the LEC but shall not include troubles associated with customers' unfamiliarity with new features or customer premises equipment, or extraordinary or abnormal conditions of operation;

X. wire center means a facility where local exchange access lines converge and are connected to a switching device which provides access to the public switched network, and includes remote switching units and host switching units.

[17.11.22.7 NMAC - Rp, 17.11.22.7 NMAC, 2-1-06]

17.11.22.8 REPORTING REQUIREMENTS FOR ILECS: Unless otherwise specified, an ILEC shall provide data both by wire center listed alphabetically by name, and on a statewide average basis. An ILEC shall submit all reports to the commission in printed and electronic spreadsheet format. An ILEC shall file separate reports for nondesigned and designed services for the categories specified in subsections A through F. An ILEC shall file reports quarterly, except for held order reports, which shall be filed monthly, but shall compile data on a monthly basis. Reports shall be filed with the commission within thirty (30) days of the period covered by the report.

A. Trouble reports. An ILEC shall maintain an accurate and complete record of all trouble reports, categorized as out-of-service trouble reports or all other trouble reports, and shall note the wire center associated with each trouble report. Trouble reports received after 4:00 p.m. Monday through Friday shall be deemed received at 8:00 a.m. the following business day. Each ILEC shall report the number of trouble reports in each category received at each wire center and the number of access lines in service at each wire center.

B. Trouble report rate. An ILEC shall report the trouble report rate for out-of-service and all other trouble reports for each wire center (number of trouble reports per hundred access lines per wire center) and, where applicable, the reason a wire center exceeded the trouble report rate.

C. Trouble reports cleared. An ILEC shall report the percentage of out-of-service and all other trouble reports cleared by each wire center within twenty-four (24) hours, and the average repair interval for out-of-service trouble reports.

D. Repeat trouble report rate. An ILEC shall report the repeat trouble report rate for out-of-service and all other trouble reports for each wire center (number of repeat trouble reports per hundred access lines per wire center) and, where applicable, the reason a wire center exceeded the applicable repeat trouble report rate.

E. Installation of primary local exchange lines within established time frames. An ILEC shall calculate and report by wire center the percentage of orders for primary local exchange lines installed within the time frames established in 17.11.22.12 NMAC, excluding installations not completed due to circumstances beyond the reasonable control of the ILEC or for which a waiver or variance has been granted.

F. Average repair interval. An ILEC shall report, by wire center, the average interval for repairing service.

G. Held orders.

(1) Non-designed services. An ILEC shall report, by wire center and on a statewide average basis, the number of held orders for non-designed services in each of the following categories, and shall, upon request of the commission, provide an explanation for the level of held orders in any particular category. For primary local exchange lines, an ILEC shall also report the number of held orders as a percentage of the total switched access lines in service each month:

- (a) total;
- (b) business customers;
- (c) residence customers;
- (d) primary local exchange lines;
- (e) additional lines;
- (f) orders held for 15-30 days;
- (g) orders held 31-90 days;
- (h) orders held 91-180 days;
- (i) orders held over 180 days;
- (j) orders for which waiver petitions are pending or have been granted; and
- (k) orders cancelled by the customer.

(2) Designed services. An ILEC shall report the number of held orders for designed services in each of the following categories and shall, upon request of the commission, provide an explanation for the level of held orders in any particular category:

- (a) wire center;
- (b) orders held for 15-30 days;
- (c) orders held for 31-90 days;
- (d) orders held for 91-180 days;
- (e) orders held for over 180 days;
- (f) orders for which waiver petitions are pending or have been granted; and
- (g) orders cancelled by the customer.

H. Business office and repair office answer time. An ILEC shall report separately for its business office and its repair office the percentage of calls answered within the time frames specified in 17.11.22.20 NMAC.

I. Carrier profile. No later than March 1 of each year, ILECs shall also report the following information to the commission, based on its operations as of December 31 of the previous year:

- (1) total number of switched access lines in service;
- (2) total number of residence switched access lines in service;
- (3) total number of business switched access lines in service; and
- (4) total number of orders received.

[17.11.22.8 NMAC - Rp, 17.11.22.8 NMAC, 2-1-06]

17.11.22.9 OUTAGES:

A. A LEC shall report outages affecting more than one thousand five hundred (1500) customers and lasting longer than thirty (30) minutes to the consumer relations division of the commission by telephone, facsimile, e-mail, or in person within ninety (90) minutes of the onset of the outage, or, for outages not occurring during business hours, at the start of the next business day.

B. A LEC shall submit a subsequent written report stating the location, duration, number of customers affected, cause and corrective action taken. Both the initial and subsequent outage reports shall state whether 911 circuits were affected.

C. A LEC shall file on a quarterly basis a record of each outage in the preceding three (3) months for which the LEC was unable to provide emergency service and an explanation of why emergency service was unavailable.

[17.11.22.9 NMAC - Rp, 17.11.22.9 NMAC, 2-1-06]

17.11.22.10 PROVISION OF SERVICE DURING MAINTENANCE OR EMERGENCIES:

A. Emergency procedures. Each ILEC and facilities-based CLEC shall establish, and instruct its employees regarding, procedures for preventing or mitigating interruption to or impairment of telecommunications service in emergencies resulting from power failures, sudden and prolonged increases in traffic, illness of operators, or force majeure. ILECs and facilities-based CLECs shall file written plans detailing their emergency procedures with the telecommunications bureau of the commission no later than sixty (60) days after certification by the commission. Any changes to the plan shall be filed with the telecommunications bureau of the commission within thirty (30) days of the change.

B. Reserve power requirements. ILECs and facilities-based CLECs shall maintain in each local wire center, toll switching office, and tandem switching office a minimum of four (4) hours of battery reserve rated for peak traffic load requirements and shall:

- (1) install a permanent auxiliary power unit in toll and tandem switching offices and in wire centers serving 10,000 or more access lines;
- (2) have available a mobile power unit which normally can be delivered and connected within four (4) hours or the time limit of the available battery reserve for wire centers serving fewer than 10,000 lines.

C. Maintenance scheduling. ILECs and facilities-based CLECs shall schedule maintenance requiring extended service interruptions when it will cause minimal inconvenience to customers. To the extent possible, ILECs and facilities-based CLECs shall notify customers in advance of extended service interruptions. Based upon their prior experience, ILECs and facilities-based CLECs shall make emergency

service available in any area that may experience service interruptions affecting 1,000 or more access lines and lasting more than four (4) hours between the hours of 8:00 a.m. to 10:00 p.m. If an ILEC or facilities-based CLEC cannot provide emergency service, it shall file a report of the service interruption with the telecommunications bureau of the commission.

D. Loss of switch plan. Each ILEC and facilities-based CLEC shall develop a contingency plan to prevent or minimize service interruptions due to the loss of a wire center switch that serves more than 10,000 access lines or is the toll or tandem switching office for 10,000 access lines. The plan shall describe the actions and systems installed to prevent or minimize the probability of such an occurrence as well as the actions and systems available to minimize the extent of any incurred service interruption. ILECs and facilities-based CLECs shall file the plans with the telecommunications bureau of the commission no later than sixty (60) days after certification by the commission. Any changes to the plan shall be filed with the telecommunications bureau within thirty (30) days of the change.

[17.11.22.10 NMAC - Rp, 17.11.22.10 NMAC, 2-1-06]

17.11.22.11 ACCESS TO AND AUDIT OF DATA: Unless otherwise authorized by the commission, a LEC shall make all records required by this rule available to the commission, staff, or its authorized representatives at any time upon reasonable notice. A LEC shall make customer proprietary network information available to the commission to the extent allowed by law. A LEC shall retain records of reports, measurements, summaries, and backup information for at least two (2) years. The commission or staff may periodically audit a LEC's quality of service data.

[17.11.22.11 NMAC - Rp, 17.11.22.11 NMAC, 2-1-06]

17.11.22.12 INSTALLATION OF BASIC LOCAL EXCHANGE SERVICE:

A. Order tracking. At the time of each service order, a LEC shall provide to each applicant for basic local exchange service a unique indicator that will permit an applicant to track and verify the order.

B. Premises within 1000 feet of distribution terminal.

(1) Whenever an ILEC receives an application for installation of a primary local exchange line for a premises that is within 1000 feet of a distribution terminal, the ILEC shall provision service within five (5) business days of receipt of the service request, or by such later date as the customer may request.

(2) When an ILEC cannot fill an order for a primary local exchange line within ten (10) business days of receipt of the order, it shall provide written notice to the customer noting the date of the service order and stating the expected installation date and the reason for the delay. This notice must be postmarked within ten (10) business days of the date the service order is received by the ILEC. The ILEC shall promptly notify the customer of any changes in the expected installation date.

C. Premises 1000 feet or more from distribution terminal. Whenever an ILEC receives an application for installation of a primary local exchange line for a premises that is 1000 feet or more from a distribution terminal, the ILEC shall provision service within thirty (30) business days of receipt of the service request, or by such later date as the customer may request, unless installation cannot be completed due to circumstances beyond the reasonable control of the ILEC.

D. Line extension policy. Each ILEC shall file its line extension policy for commission review and approval by March 1, 2001 and shall file any subsequent material changes to the policy for commission review and approval in accordance with commission procedures for tariff changes.

[17.11.22.12 NMAC - Rp, 17.11.22.12 NMAC, 2-1-06]

17.11.22.13 ALTERNATIVE SERVICE: An ILEC shall provide alternative service to a customer whose order is held, unless the customer was the cause of the delay.

A. Where wireless phone service or equivalent service is available, an ILEC shall offer to pay for the customer to receive such service.

(1) The ILEC shall cover all nonrecurring charges, including charges for the wireless handset, all monthly recurring charges, and unlimited local calling until the ILEC completes the service request. The ILEC may supply the customer with a wireless handset and a prearranged service plan or a voucher to obtain the same from a third party.

(2) The customer shall be responsible for paying roaming and long distance charges.

B. Where wireless phone service or equivalent service is not available, the ILEC shall offer the customer free of charge a telephone number, a listing, and the customer's choice of either:

- (1) free remote call forwarding of that number until service is provided; or
- (2) a free voice mailbox to which the customer's calls may be directed until service is provided.

[17.11.22.13 NMAC - Rp, 17.11.22.13 NMAC, 2-1-06]

17.11.22.14 INSTALLATION OF DESIGNED SERVICES:

A. Confirmation of service order. Within three (3) business days of receipt of a customer's order for designed services, an ILEC shall notify the customer of the proposed installation date and the customer's remedies for the ILEC's failure to meet the proposed installation date.

B. Held order standard. An ILEC shall complete eighty-five (85) percent of installations for designed services in accordance with the installation intervals set forth in subsections C and D of this section.

C. Installation interval – facilities available. Where facilities exist, the installation interval shall be ten (10) business days.

D. Installation interval – new facilities required. Where new facilities are needed to provide designed service, the ILEC shall install the service within forty-five (45) calendar days, unless the customer requests a later date. If the order is not completed within forty-five (45) calendar days or the later date requested by the customer, the customer shall receive a credit of the nonrecurring charge except when the ILEC can establish that delay was caused by circumstances beyond its reasonable control.

- (1) When the delay is caused by circumstances beyond the ILEC's reasonable control and the commission has granted a waiver of the held order standard pursuant to 17.11.22.25 NMAC, the period of delay shall be added to the time period allowed for installation of the service.
- (2) An ILEC shall report any case in which it claims the delay is caused by circumstances beyond the reasonable control of the ILEC to the affected customer who shall have the right to challenge the exception.

E. Credits for failure to comply with installation interval. The following credits shall apply when an ILEC fails to meet designed services installation intervals during the preceding calendar year.

% installed within installation interval	Amount per day late to be credited to customer for failure to meet held order standard
85% to 100%	no credit applies
75% to 84%	\$ 200
65% to 74%	\$ 500
55% to 64%	\$1,000
45% to 54%	\$1,500
35% to 44%	\$3,000
0 to 34%	\$5,000

F. Calculation and payment of credits. By February 1 of each year, beginning in 2002, the ILEC shall submit a report showing its calculation of the credits specified in subsection E of this section, and shall, no later than March 15 of that year, apply the appropriate credit to the bill of each customer who experienced a held order during the prior calendar year. If the customer is no longer a customer of record as of the date the credit is issued, the ILEC shall mail payment to the former customer.

[17.11.22.14 NMAC - Rp, 17.11.22.14 NMAC, 2-1-06]

17.11.22.15 OUT-OF-SERVICE CREDITS FOR DESIGNED SERVICES:

A. When service is out for the designated time period, then unless the customer caused the out-of-service condition, an ILEC shall credit the stated amount to the customer's account, unless otherwise determined by customer contract.

Period out of service, in clock hours, whether continuous or	Credit for DS-1 services	Credit for DS-3 services	Credit for ISDN-BRI
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discontinuous			services
Less than 4 hours in a 12 hour period	no credit	no credit	no credit
4 to 8 hours in a 24 hour period	\$120	\$1000	no credit
8 to 16 hours in a 36 hour period	\$210	\$2100	no credit
16 to 24 hours in a 48 hour period	\$240	\$2400	no credit
24 to 48 hours in a 60 hour period	\$300	\$3000	\$10 per day
More than 48 hours in a 72 hour period	The greater of \$420 or 100% of the total monthly recurring charge	The greater of \$4000 or 100% of the total monthly recurring charge	\$10 per day

B. Whenever an ILEC fails to repair an out-of-service condition for DS-1 or DS-3 service within twenty-four (24) clock hours of notification, it shall credit the pro rata cost of the circuit and trunks to the customer's account.

[17.11.22.15 NMAC - Rp, 17.11.22.15 NMAC, 2-1-06]

17.11.22.16 DIRECTORY ASSISTANCE AND INTERCEPT:

A. An ILEC shall list basic local exchange service customers (except those customers requesting otherwise) in the directory assistance database within twenty-four (24) hours of service connection, except during times of regular maintenance, in which case the listing shall occur within forty-eight (48) hours of service connection.

B. If an ILEC makes an error in the listed number or name of any customer, then until a new directory is published, the ILEC shall make, at no charge to the customer, whatever special arrangements are necessary and reasonable to ensure that calling parties are able to reach the customer whose listed number or name is in error.

C. If an ILEC makes an error in the number, name or address of any listing of any customer, the ILEC shall place the customer's correct name, address and telephone number in the files of the directory assistance and intercept operators within seventy-two (72) hours of confirmation of the error.

D. When a customer's telephone number is changed at the request of the customer after a directory is published, the LEC shall provide intercept service for all calls to the former number for the lesser of sixty (60) days or until a new directory is issued. If the change is made at the initiative of the LEC, the LEC shall provide intercept service for the former number at no charge to the customer for the greater of sixty (60) days or the remaining life of the current directory. The LEC shall provide the correct number to its information operator within twenty-four (24) hours of the number change (except during times of regular maintenance, in which the case the listing shall occur within forty-eight (48) hours of service connection) or send it to the carrier providing information operator service within twenty-four (24) hours if the local exchange carrier does not provide its own service. The LEC's intercept recording shall state how the caller can obtain the new number.

[17.11.22.16 NMAC - Rp, 17.11.22.16 NMAC, 2-1-06]

17.11.22.17 NETWORK CALL COMPLETION REQUIREMENTS FOR DIRECT DIALED CALLS:

A. An ILEC shall maintain sufficient wire center and interoffice channel capacity and any other necessary facilities to meet the following minimum requirements during any normal busy hour:

(1) dial tone within three (3) seconds for ninety-eight (98) percent of call attempts on the switched network;

(2) correct termination of ninety-eight (98) percent of properly dialed intraoffice or interoffice calls within an extended service area; and

(3) correct termination of ninety-eight (98) percent of properly dialed intraLATA calls when the call is routed entirely over the network of the ILEC.

B. Unless otherwise authorized by the commission, a carrier providing toll service shall maintain sufficient switching and network channel capacity and any other necessary facilities so that ninety-eight (98) percent of properly dialed intrastate toll calls are correctly terminated.

C. An ILEC shall terminate a properly dialed call in one of the following ways:

(1) the calling party shall receive an indication of ringing and a ringing signal shall be delivered to the station location of the called party; if the called party answers, a connection shall be established between the calling and called parties;

(2) if the called number is busy, the calling party shall receive a busy signal, unless the called party has subscribed to a voice messaging, call forwarding, or call waiting service;

(3) if the ILEC cannot establish a connection between the calling and called parties, the calling party shall receive an announcement or an appropriate overflow signal that is different than a called party busy signal; a call terminated in this way shall not be considered correctly terminated for purposes of calculating the percentage of correctly terminated calls required by subsections A and B of this section;

(4) if a call is made to a non-working code or inoperative customer number, it shall be directed to the ILEC's intercept service.

[17.11.22.17 NMAC - Rp, 17.11.22.17 NMAC, 2-1-06]

17.11.22.18 NETWORK CALL COMPLETION REQUIREMENTS FOR OPERATOR ASSISTED CALLS: A carrier offering operator assistance to the public shall answer eighty-five (85) percent of directory, intercept, toll and local assistance calls within ten (10) seconds. The following are not answers:

A. an acknowledgement that the customer is waiting on the line;

B. a dropped call;

C. directing the call to a company representative or mechanized system incapable of providing assistance to the customer; or

D. directing the call to a system that will only take a message from the customer.

[17.11.22.18 NMAC - Rp, 17.11.22.18 NMAC, 2-1-06]

17.11.22.19 QUALITY OF SERVICE STANDARDS FOR NON-DESIGNED SERVICES:

A. Installation of primary local exchange lines. An ILEC shall complete at least ninety-six (96) percent of all requests for installation of primary local exchange lines within the time frames established 17.11.22.12 NMAC.

B. Held orders for primary local exchange lines. An ILEC's annual held order rate for primary local exchange lines shall not exceed 0.035 percent. The annual held order rate shall be the average of the monthly held order rates. The monthly held order rate shall be calculated as the number of an ILEC's held orders for primary local exchange lines as of the last day of the month, excluding orders for which waivers have been granted, expressed as a percentage of the total number of the ILEC's switched access lines in service at the end of that month.

C. Trouble reports.

(1) An ILEC's trouble report rate shall not exceed five (5) trouble reports per month per 100 access lines in service per wire center.

(2) An ILEC's repeat trouble report rate shall not exceed 18% of total monthly trouble reports, on a wire center basis.

D. Out-of-service clearances.

(1) An ILEC shall clear eighty-five (85) percent of out-of-service trouble reports in each month within twenty-four (24) hours, on a wire center basis.

(2) The monthly average repair interval in a wire center shall not exceed twenty (20) hours.

[17.11.22.19 NMAC - Rp, 17.11.22.19 NMAC, 2-1-06]

17.11.22.20 TIMELY RESPONSE BY CUSTOMER SERVICE REPRESENTATIVES:

A. Standards. An ILEC's business and repair offices shall answer calls within an average of thirty-five (35) seconds. If a carrier uses an automated response system, the system shall transfer calls to a customer service representative within an average of thirty-five (35) seconds of the customer's selection or within forty (40) seconds if the customer does not make a selection. An ILEC shall ensure that no more than

one (1) percent of calls to its business offices reach a busy signal and that no more than one (1) percent of calls to its repair offices reach a busy signal.

B. Reports. An ILEC shall file an exception report within thirty (30) calendar days of the end of any month in which it failed to meet any of the standards set forth in Subsection A of this section. The report shall identify each offending business office and repair office, the percent of calls answered, the percent of calls reaching a busy signal, the reason for failure to meet the respective standard, the remedial action taken by the ILEC, and any known results of that remedial action.

[17.11.22.20 NMAC - Rp, 17.11.22.20 NMAC, 2-1-06]

17.11.22.21 AGGREGATE CUSTOMER CREDITS: This section applies only to non-designed services.

A. Annual compliance reports.

(1) By February 15 of each year, each ILEC shall submit to the commission a report detailing, on a statewide basis, its compliance in the preceding calendar year with the quality of service standards set forth in this rule. The report shall also list each wire center alphabetically and shall indicate for each wire center which of the standards set forth in subsections C and D of 17.11.22.19 NMAC the ILEC failed to meet and the months in which the ILEC failed to meet the standard.

(2) The report shall include the details of the calculations made pursuant to 17.11.22.22 NMAC to determine the credit obligations the ILEC has incurred for the preceding calendar year, including those that are the subject of a petition for waiver or variance.

B. Payment of credits.

(1) An ILEC shall issue a one-time credit on customer bills for an equal amount of the aggregate customer credits incurred in any given year to each customer active in the billing cycle in which the credits are issued.

(2) An ILEC shall issue aggregate customer credits in a billing cycle that begins by May 1 for all quality of service standards that are not the subject of a petition for waiver or variance or for which such a petition has been denied by January 31.

(3) An ILEC shall issue aggregate customer credits for all quality of service standards for which a petition for a waiver or variance has been denied after January 31 in a billing cycle that begins within ninety (90) days of the date the petition was denied.

(4) An ILEC need not issue aggregate customer credits for those quality of service standards for which it has been granted a waiver.

[17.11.22.21 NMAC - Rp, 17.11.22.21 NMAC, 2-1-06]

17.11.22.22 CALCULATION OF AGGREGATE CUSTOMER CREDITS: This section applies only to nondesigned services.

A. Installation of service. For any calendar year in which an ILEC failed to achieve, on a statewide basis, the ninety-six (96) percent installation standard for primary local exchange lines, the ILEC shall incur the following credit obligations:

(1) for each percentage point from .1 to 3.0 percentage points less than the benchmark: .06 percent of the ILEC's total intrastate revenues for the year;

(2) for each percentage point from 3.1 to 7.0 percentage points less than the benchmark: .10 percent of the ILEC's total intrastate revenues for the year;

(3) for each percentage point from 7.1 to 12.0 percentage points less than the benchmark: .13 percent of the ILEC's total intrastate revenues for the year; and

(4) for each percentage point over 12.0 percentage points less than the benchmark: .16 percent of the ILEC's total intrastate revenues for the year.

B. Held orders up to 180 days. For any calendar year in which an ILEC failed to achieve, on a statewide basis, the 0.035% held order standard, the ILEC shall incur the following credit obligations:

(1) for each .001 increment from .001 to .005 percentage points in excess of the benchmark: .06 percent of the ILEC's total intrastate revenues for the year;

(2) for each .001 increment from .006 to .01 percentage points in excess of the benchmark: .1 percent of ILEC's total intrastate revenues for the year;

(3) for each .001 increment from .011 to .015 percentage points in excess of the benchmark: .13 percent of the ILEC's total intrastate revenues for the year; and

(4) for each .001 percentage point increment over .015 percentage points in excess of the benchmark: .16 percent of ILEC's total intrastate revenues for the year.

C. Held orders in excess of 180 days: For each month during a calendar year in which an ILEC had, as of the last day of the month, one or more held orders pending for more than 180 days, an ILEC shall incur the following credit obligations:

(1) for each month with 1 to 5 such orders as of the last day of the month: .01 percent of an ILEC's total intrastate revenues for the year;

(2) for each month with 6 to 10 such orders as of the last day of the month: .015 percent of ILEC's total intrastate revenues for the year; and

(3) for each month with 11 or more such orders as of the last day of the month: .02 percent of ILEC's total intrastate revenues for the year.

D. Trouble reports. For any calendar year in which an ILEC failed to achieve, on a statewide basis, an average trouble report rate of 5.0 trouble reports per 100 access lines, the ILEC shall incur the following credit obligations:

(1) for an annual average trouble report rate from .1 to 2.0 reports per 100 access lines in excess of the benchmark, .06% of the ILEC's total intrastate revenues for the year;

(2) for an annual average trouble report rate from 2.1 to 4.0 reports per 100 access lines in excess of the benchmark, .1% of the ILEC's total intrastate revenues for the year;

(3) for an annual average trouble report rate from 4.1 to 6.0 reports per 100 access lines in excess of the benchmark, .13% of the ILEC's total intrastate revenues for the year; and

(4) for an annual average trouble report rate more than 6.0 reports per 100 access lines in excess of the benchmark, .16% of the ILEC's total intrastate revenues for the year.

E. Out-of-service clearances. For any calendar year in which an ILEC failed to achieve, on a statewide basis, an average out-of-service clearance rate of eighty-five (85) percent in twenty-four (24) hours, the ILEC shall incur the following credit obligations:

(1) for each percentage point from .1 to 3.0 percentage points less than the benchmark, .02% of the ILEC's total intrastate revenues for the year;

(2) for each percentage point from 3.1 to 7.0 percentage points less than the benchmark, .03% of the ILEC's total intrastate revenues for the year;

(3) for each percentage point from 7.1 to 12.0 percentage points less than the benchmark, .04% of the ILEC's total intrastate revenues for the year; and

(4) for each percentage point beyond 12.0 percentage points less than the benchmark, .05% of the ILEC's total intrastate revenues for the year.

F. Repeat trouble reports. For any calendar year in which an ILEC failed to achieve, on a statewide basis, an average repeat trouble report rate of eighteen (18) percent, the ILEC shall incur the following credit obligations:

(1) for a repeat trouble report rate from 0.1 to 5.0 percentage points in excess of the benchmark, .06% of total intrastate revenues for the year;

(2) for a repeat trouble report rate from 5.1 to 10.0 percentage points in excess of the benchmark, .1% of total intrastate revenues for the year;

(3) for a repeat trouble report rate from 10.1 to 15.0 percentage points in excess of the benchmark, .13% of total intrastate revenues for the year; and

(4) for a repeat trouble report rate more than 15.0 percentage points in excess of the benchmark, .16% of total intrastate revenues for the year.

G. Wire center-specific standards. In addition to the credit obligations based on statewide performance, an ILEC shall incur a credit obligation of \$3.00 per access line in service at a given wire center for each wire center-specific standard set forth in subsections C and D of 17.11.22.19 NMAC the ILEC failed to achieve at that wire center for two consecutive months or any three months in a calendar year.
[17.11.22.22 NMAC - Rp, 17.11.22.22 NMAC, 2-1-06]

17.11.22.23 INDIVIDUAL CUSTOMER CREDITS:

A. Out-of-service clearances. A LEC shall automatically make appropriate adjustments to a customer's bill whenever service from the LEC is interrupted and remains out of order for more than eight (8)

hours during a continuous twenty-four (24) hour period after the customer reports it or the LEC finds it, whichever occurs first.

(1) The LEC shall provide a credit on the monthly bill for LEC services that is proportional to the duration of the service interruption. Each occurrence of a loss of service for eight (8) hours during a twenty-four (24)-hour time period shall count as one day and every month shall be considered to have thirty (30) days.

(2) The LEC shall not be required to provide an adjustment for loss of service due to:

- (a) the negligence or willful act of the customer;
- (b) a malfunction of facilities other than those under control of the LEC;
- (c) force majeure; or
- (d) the inability of the LEC to gain access to the customer's premises when necessary.

B. Held orders. For each customer whose order is held, an ILEC shall:

(1) provide a credit of \$45 for each primary residential line, and a credit of \$135 for each primary business line it fails to install within the time frames set forth in 17.11.22.12 NMAC;

(2) pay the sum of \$300 and three (3) times the installation charge for each primary residential or business line not installed within seven (7) days of the time frames set forth in 17.11.22.12 NMAC;

(3) waive the service charge for the first month of service once service is provided; and,

(4) for each customer whose premises is located where wireless phone service or equivalent service is not available, provide a credit of two (2) times the basic local exchange service rate for every month or partial month the customer's order is held.

[17.11.22.23 NMAC - Rp, 17.11.22.23 NMAC, 2-1-06]

17.11.22.24 RATEMAKING TREATMENT OF PENALTIES AND CREDITS: Regardless of the form of regulation, an ILEC shall not recover from customers through its rates the costs it incurs for penalties imposed pursuant to NMSA 1978 Section 63-7-23 or credits provided to customers pursuant to this rule.

[17.11.22.24 NMAC - Rp, 17.11.22.24 NMAC, 2-1-06]

17.11.22.25 EXEMPTION OR VARIANCE:

A. General requirements.

(1) Any carrier may petition for an exemption or variance from any of the requirements of this rule.

(2) Such petition may include a motion that the commission stay the affected portion of this rule for the transaction specified in the motion.

(3) Petitions for an exemption or a variance and motions for a stay must be supported by an affidavit signed by an officer of the carrier or other person with authority to bind the carrier.

(4) The commission may, at its discretion, require an informal conference or formal evidentiary hearing prior to making its determination.

B. Waiver of held order standard.

(1) An ILEC may petition for a waiver of the held order standard in 17.11.22.19 NMAC for circumstances beyond the reasonable control of the ILEC. The petition shall be filed with the commission within thirty (30) calendar days of the installation dates established in 17.11.22.12 NMAC and shall be accompanied by an affidavit executed by a person employed by the ILEC who is knowledgeable concerning the facts surrounding the waiver request. At the same time, the ILEC shall serve a copy of the waiver petition on the affected customers.

(2) The petition shall include:

(a) the names and addresses of all known customers who will be affected by the waiver request and an estimate of the number of unknown customers who might be affected;

(b) a detailed explanation of the relief being sought;

(c) the date when the service orders are expected to be filled; and

(d) a detailed explanation of the circumstances giving rise to the waiver request.

(3) The telecommunications bureau of the commission shall approve or disapprove the petition for waiver of the held order standard within thirty (30) calendar days of its submittal. The order shall not be counted as a held order and the ILEC shall not be required to pay credits while the petition is pending before the telecommunications bureau.

(4) Neither a waiver or a waiver petition shall relieve the ILEC of its obligations to provide alternative service to the individual customer unless the customer failed to provide the necessary facilities to enable the ILEC to complete the order or otherwise caused the delay.

(5) Where a waiver request is granted, the ILEC need not count any order subject to the waiver as a held order for purposes of this rule.

C. All other exceptions. A petition for an exemption or variance from any other requirement of this rule shall:

(1) identify the section of this rule for which the exemption or variance is requested;

(2) describe the situation which necessitates the exemption or variance;

(3) describe the effect of complying with this rule on the carrier and its customers, and on its competitive affiliates and their customers, if the exemption or variance is not granted;

(4) state how the exemption or variance will achieve the purposes of this rule and the New Mexico Telecommunications Act;

(5) state why the proposed alternative is in the public interest and is better than the requirement in the rule; and

(6) state why the exemption or variance would have no anticompetitive effect.

[17.11.22.25 NMAC - Rp, 17.11.22.25 NMAC, 2-1-06]

HISTORY OF 17.11.22 NMAC:

Pre-NMAC History:

None.

History of Repealed Material:

17.11.22 NMAC, Quality of Service Standards (filed 12-14-00) repealed 2-1-06.

NMAC History:

17.11.22 NMAC, Quality of Service Standards (filed 12-14-00) was replaced by 17.11.22 NMAC, Quality of Service, effective 2-1-06.

**Western New Mexico Telephone Company, Inc.
Line 610 – Functionality in Emergency Situations**

As required in 47 C.F.R. § 54.313(a)(6) for all high cost recipients, which includes the Company, and as set forth in 47 C.F.R. § 54.202(a)(2), the following provides a detailed description demonstrating that the Company has the ability to remain functional in emergency situations, including a demonstration that 1) it has a reasonable amount of back-up power to ensure functionality without an external power source, 2) is able to reroute traffic around damaged facilities, and 3) is capable of managing traffic spikes resulting from emergency situations.

OVERALL RESPONSE TO EMERGENCY SITUATIONS: The Company has a comprehensive disaster recovery plan (also called a “continuity plan”) that was developed and implemented for the Company specifically to deal with emergencies. It has detailed, specific steps that are to be taken for each type of emergency.

POWER: In order to function in an emergency, the Company has a combination of batteries and emergency generators. Some locations have permanent emergency generators with fuel tanks; whereas, other locations require a portable generator to be brought to the location to recharge the on-site batteries. The company owns several portable generators that technicians can take out to recharge the batteries. For example, the company’s central offices have automatic stand-by generators to run the entire offices. The digital loop carrier (“DLC”) sites also have battery back-up.

REROUTING TRAFFIC AND REDUNDANCY: The Company has established 100% redundant E-911 trunks and SS-7 routes. It is important to understand that E-911 trunks have redundancy, but they do not have diverse routes. The PSAPs/NMDFA did not order diversity, so CenturyLink has all traffic for Catron and Socorro Counties routed out of the Company’s northern route connection point and Grant and Hidalgo Counties’ traffic routed out of the Company’s southern route connection point. The New Mexico E-911 Coordinator is attempting to migrate to SS-7 routing, which is both diverse and redundant, but many of the PSAPs cannot support SS-7 yet. Please note that this is for voice only services and not for data/broadband.

In addition, the network was designed with redundancy, wherever possible, especially in the backbone network; however, there is not 100% diversified facilities. In most cases, where it is not redundant or diverse, the Company has the ability to redirect most backbone traffic. In cases where there is no redundancy or diversity, it is due to the extreme cost of a 100% redundant and diverse network.

Loop plant to the customer location is typically not redundant, especially for residential customers. This is because it would not be cost effective to build totally separate facilities for the “last mile” to the customer.

MANAGING TRAFFIC SPIKES: The Company realizes that when a catastrophe happens, everyone immediately tries to contact friends and family to make certain they are all right. The Company has designed the Time-Division Multiplexing ("TDM") network to have excess capacity on its backbone network. For example, on Mother's Day, the company handles traffic without the customer receiving the "All Trunks Busy" message which demonstrates the Company's ability to handle peak traffic spikes on its TDM voice network.

Western New Mexico Telephone Company, Inc.
Line 920 – Tribal Land Issues

As required in 47 C.F.R. § 54.313(a)(9), the following provides the detailed description of the efforts by the Company related to discussions with Tribal governments that, at a minimum, included: (i) A needs assessment and deployment planning with a focus on Tribal community anchor institutions; (ii) Feasibility and sustainability planning; (iii) Marketing services in a culturally sensitive manner; (iv) Rights of way processes, land use permitting, facilities siting, environmental and cultural preservation review processes; and (v) Compliance with Tribal business and licensing requirements. Tribal business and licensing requirements include business practice licenses that Tribal and non-Tribal business entities, whether located on or off Tribal lands, must obtain upon application to the relevant Tribal government office or division to conduct any business or trade, or deliver any goods or services to the Tribes, Tribal members, or Tribal lands. These include certificates of public convenience and necessity, Tribal business licenses, master licenses, and other related forms of Tribal government licensure.

Line 921 – Needs Assessment and Deployment Planning: The Company's actions to address needs assessment and deployment planning with a focus on tribal community anchor institutions for the tribal land network are as follows: On November 12, 2012 the Company sent a letter regarding the Company's Tribal Outreach Initiative to the Navajo Nation – Alamo Chapter (see Attachment A). It was sent to the Navajo Nation's President, the Alamo's President and Vice President and the new Navajo Nation Telecommunications Regulatory Commission. The Company followed up the letter with a presentation to the Alamo Chapter in May 2013 including the topics of (i) A needs assessment and deployment planning with a focus on Tribal community anchor institutions; (ii) Feasibility and sustainability planning; (iii) Marketing services in a culturally sensitive manner; (iv) Rights of way processes, land use permitting, facilities siting, environmental and cultural preservation review processes; and (v) Compliance with Tribal business and licensing requirements. Attachments B, C and D were included with the Chapter's presentation. Limited results were obtained from the presentation. The President of the Chapter said he would get back to the Company; however, he has yet to do so. The Company is not giving up on this and is trying to continue to follow up in order to further develop infrastructure and services being provided to the tribal area.

Line 922 – Feasibility and Sustainability Planning: The Company's actions to address feasibility and sustainability planning for the tribal land network are as follows: As discussed above, the Company's limited success with Tribal engagement has minimized Tribal supported initiatives associated with facility expansion to provide additional or increased service offerings.

Line 923 – Marketing Services in an Culturally Sensitive Manner: The Company's actions to address the marketing of services in a culturally sensitive manner in the tribal land are as follows: As discussed above, the Company tried, with limited success, to engage the Tribe to discuss if the Tribe had any suggestions or ideas for improving the company's marketing efforts and if they would they want to participate in jointly developing marketing materials. Attachment B was provided by the Company as a starting point to begin discussions.

Line 924 – Compliance with Right of Way Processes: The Company's actions to comply with the right-of-way processes for the tribal lands are as follows: As discussed above, the Company tried, with limited

success, to engage the Tribe to discuss right-of-way processes for its tribal lands. Historically, the Company has complied with Bureau of Indian Affairs' ("BIA's"), the Navajo Nation's, and the Alamo Chapter's requirements and has consistently sought approval prior to commencement of any construction and/or maintenance activities.

Line 925 – Compliance with Land Use Permitting Requirements: The Company's actions to comply with the land use permitting requirements for the tribal lands are as follows: As discussed above, the Company tried, with limited success, to engage the Tribe to discuss compliance with the land use permitting requirements for its tribal lands. As identified on Line 924, the Company has complied with BIA's, the Navajo Nation's, and the Alamo Chapter's requirements and has consistently sought approval prior to commencement of any construction and/or maintenance activities.

Line 926 – Compliance with Facility Siting Rules: The Company's actions to comply with the facilities siting rules for the tribal lands are as follows: As discussed above, the Company tried, with limited success, to engage the Tribe to discuss and establish requirements and define compliance with the siting rules for its tribal lands. As identified on Line 924, the Company has complied with BIA's, the Navajo Nation's, and the Alamo Chapter's requirements and has consistently sought approval prior to commencement of any construction and/or maintenance activities.

Line 927 – Compliance with Environmental Review Processes: The Company's actions to comply with the environmental review processes for the tribal lands are as follows: As discussed above, the Company tried, with limited success, to engage the Tribe to discuss compliance with the environmental review processes for its tribal lands. As identified on Line 924, the Company has complied with BIA's, the Navajo Nation's, and the Alamo Chapter's requirements and has consistently sought approval prior to commencement of any construction and/or maintenance activities.

Line 928 – Compliance with Cultural Preservation Review Processes: The Company's actions to comply with the cultural preservation review processes for the tribal lands are as follows: As discussed above, the Company tried, with limited success, to engage the Tribe to discuss compliance with the cultural preservation review processes for its tribal lands. As identified on Line 924, the Company has complied with BIA's, the Navajo Nation's, and the Alamo Chapter's requirements and has consistently sought approval prior to commencement of any construction and/or maintenance activities.

Line 929 – Compliance with Tribal Business and Licensing Requirements: The Company's actions to comply with the tribal business and licensing requirements for the tribal lands are as follows: As discussed above, the Company tried, with limited success, to engage the Tribe to discuss if the Tribe believes there are other licenses the Company should acquire to provide telecommunications services on its tribal lands. The New Mexico Public Regulation Commission currently has jurisdictional authority over the Company for its limited Tribal operations. However, the Navajo Nation has commenced with the establishment of the Navajo Nation Telecommunications Regulatory Commission. Attachment E provides the Company's response to the Commission's Notice of Proposed Rulemaking regarding CCN applications and filing requirements.

File name: 492268nm920.pdf

Attachment A

**Western New Mexico Telephone Company, Inc.
Line 920 – Tribal Land Issues**



314 W. Yankie, Silver City, NM 88061 (575)388-2546 Fax (575)-388-2540

November 12, 2012

VIA USPS – Return Receipt

Mr. Ben Shelly
President of the Navajo Nation
P.O. Box 7440
Window Rock, AZ 86515

RE: Navajo Nation – Alamo Chapter – Telecommunications and Enhanced Services

The Honorable President Shelly:

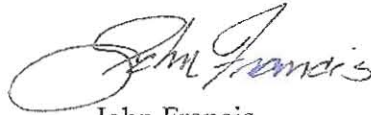
Western New Mexico Telephone Company (d/b/a WNM Communications) is a Rural Local Exchange Carrier (RLEC) that provides voice and broadband services to the Alamo Chapter of the Navajo Nation. Historically the company has focused on providing ubiquitous high quality and affordable voice services to the Alamo area. Through collective efforts with the Navajo Nation, the Alamo Chapter, and Western several milestones have been accomplished. Some of the highlights are: there are only a few tribal member premises that do not have access to basic local and long distance service including E-911, there are fiber optic facilities connecting the Alamo to Magdalena and Socorro, broadband services are available to many of the tribal members, tribal offices, and businesses, and Tribal Lifeline and Tribal Link-up programs are available to those tribal members that are eligible for support.

Collectively we have been successful in bringing services to the Alamo Chapter. However, we know there are needs within the community that will require enhanced services including broadband services to assure that tribal members, schools, health care providers, businesses, and agencies have the tools and services to be successful. Western is desirous to work closely with the Navajo Nation and the Alamo Chapter to develop and promote the availability of telecommunications and broadband services for the benefit of tribal members.

To accomplish these goals I believe it is critical that we work even more closely than ever before to identify all tribal stakeholder requirements and develop a strategy to ensure successful deployments of new technologies and the delivery of enhanced services to meet the needs of tribal members. As a starting point I am reaching out to you and the Navajo Nation, to jointly establish a plan for achieving our common goals.

I am sincerely looking forward to working with you, your staff, the Navajo Nation, and the Alamo Chapter. Please contact me so we can commence with developing a strategy to meet our common goals.

Respectfully yours,

A handwritten signature in blue ink that reads "John Francis". The signature is stylized with a large, looping "J" and a cursive "Francis".

John Francis
Executive Vice President
Western New Mexico Telephone Company,
Inc.
Silver City, NM 88061
Telephone Number: (575)388-2546
Email Address: jfrancis@wnmt.com

Cc: Scott Apachito, President, Alamo Chapter
Annabell Pino, Vice President, Alamo Chapter
Brian Tagaban, Executive Director NNTRC

File name: 492268nm920.pdf

Attachment B

**Western New Mexico Telephone Company, Inc.
Line 920 – Tribal Land Issues**

NAVAJO ALAMO CHAPTER PROPOSED TEMPLATE

Needs Assessment and Deployment Planning

1. Western has constructed fiber optic facilities from Magdalena to Alamo that has the ability to provide both voice and broadband services. At its equipment location at the Alamo, there is the required infrastructure to provide these services to the tribal members.
2. Currently the Company focuses on identified demands based upon requests for services from the Chapter's members. We understand that often tribal members are unaware of available services, which represents one of the priorities we could collectively establish a way to promote the services. There is also a need to identify addresses throughout the Chapter for Tribal Lifeline and other offered services.
3. Western is developing a long range plan to provide to extend enhanced services to some of the Chapter's anchor locations like the Alamo School and to Tribal Government, as well as locations where there are "clusters" of tribal members. While we can develop these plans, it is critical that we clearly understand the Chapter's goals and needs to jointly develop the strategies to build and implement the identified services.
4. Timelines to implement any plans will require commitments from the parties to obtain essential rights-of-way and permits. Historically, this process has taken several years, and the Chapter's guidance and assistance can hopefully reduce delays in implementation.
5. Does the Tribe support moving forward with the development of plans and the deployment of new and expanded services, and will the Tribe jointly present initiatives to other agencies like the Bureau of Indian Affairs (BIA) and the Federal Communications Commission (FCC)?

Marketing Services

1. Today Western markets all of its available services through bill inserts in tribal members and businesses bills and through our technical staff that maintains services at the Alamo. Historically the Company has also participated in a tribal sponsored "Adult Find" day.
2. How can we better market both voice, including Tribal Lifeline, and broadband services at the Alamo Chapter?

Rights of Way and Other Permitting and Review Processes

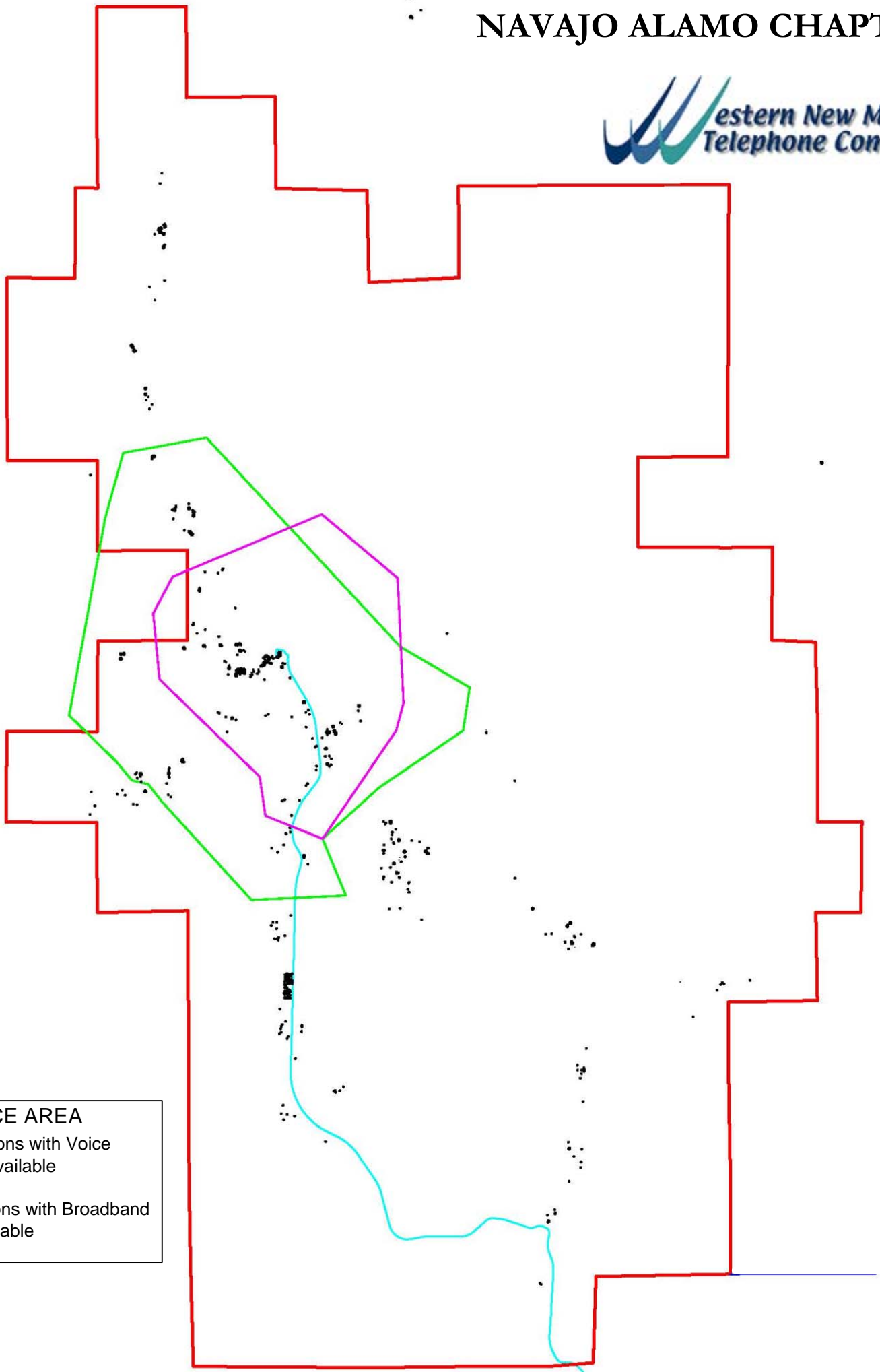
1. Rights of Way and permitting review process include; Meeting with Tribal government at both Alamo, and Window Rock. Making required applications with the Tribal government and BIA. Performing required archeological and environmental studies, that sometimes are required prior to engineering design of a project and again prior to final rights of way and permitting approvals. These processes often take years to complete prior to commencement of construction and delivery of requested services.
2. How can the Alamo Chapter and Western work collectively together to expedite this process and assure that tribal government, schools, members and businesses have access to services to meet their needs.
3. Western currently has a permit for its existing equipment site that requires renewal this year that requires both the Alamo Chapter's and BIA's review. Western will be sending a letter regarding this matter and requesting renewal of the permit. What is the best way to schedule this process with the Alamo Chapter?

File name: 492268nm920.pdf

Attachment C

**Western New Mexico Telephone Company, Inc.
Line 920 – Tribal Land Issues**

NAVAJO ALAMO CHAPTER



SERVICE AREA

1. Locations with Voice service available

2. Locations with Broadband DSL available

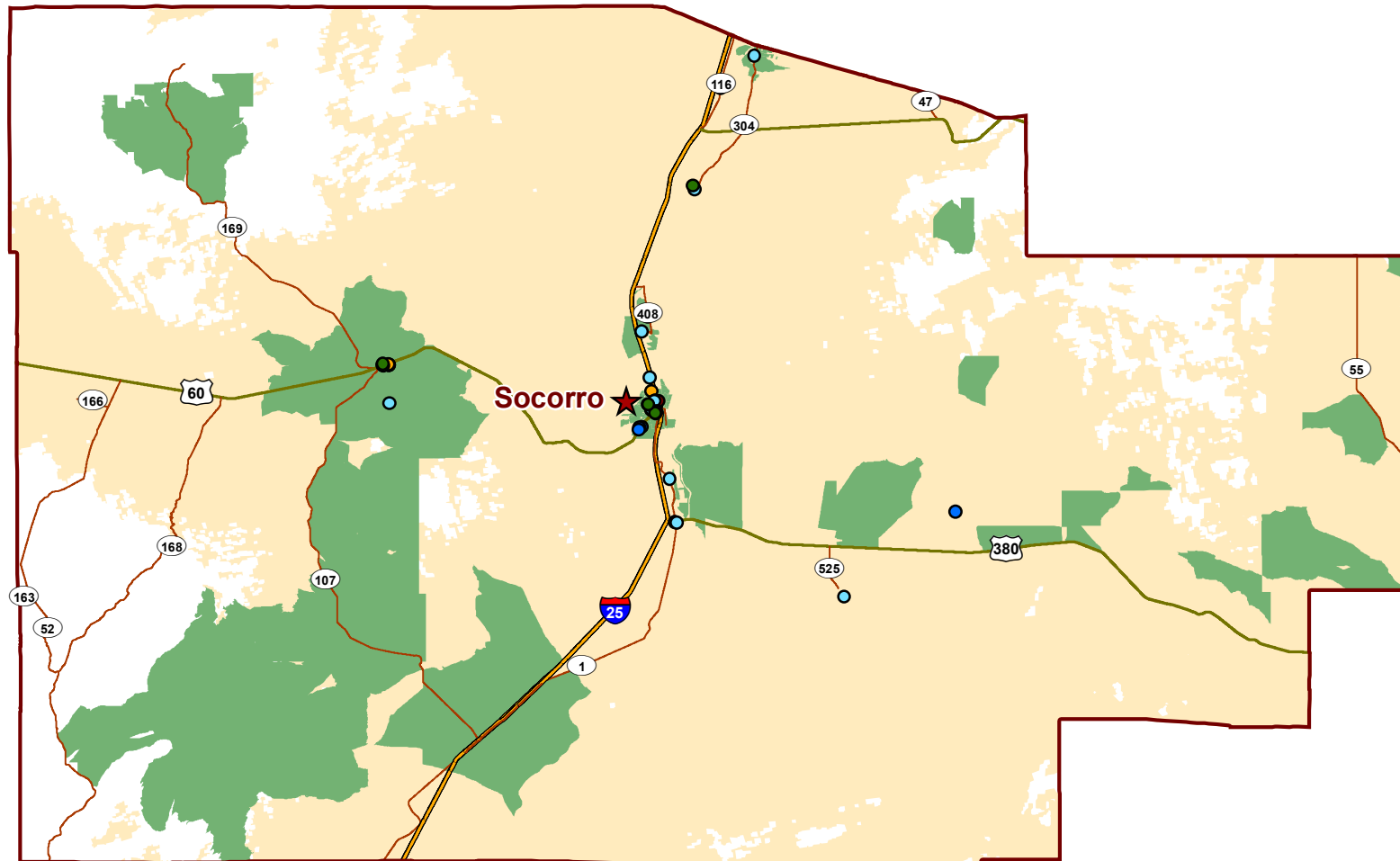
File name: 492268nm920.pdf

Attachment D

**Western New Mexico Telephone Company, Inc.
Line 920 – Tribal Land Issues**

Broadband Availability - Socorro County

New Mexico Broadband Mapping Program



Legend

- | | |
|--------------------------|---|
| Cable Coverage | School - K through 12 |
| DSL Coverage | Library |
| Mobile Wireless Coverage | Medical/healthcare |
| Interstate | Public safety |
| US Highway | University, college, other post-secondary |
| State Highway | Other community support - Government |
| County Seat | Other community support - Non Government |



0 5 10 20 Miles

Broadband Data from Telecom Providers

Data is current as of the date : 1 October 2012

State Broadband Map : <http://nmbbmapping.org/mapping>

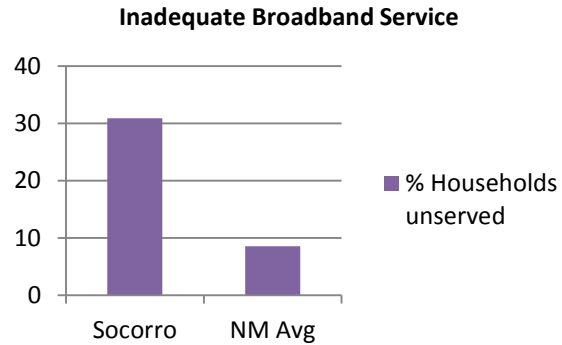
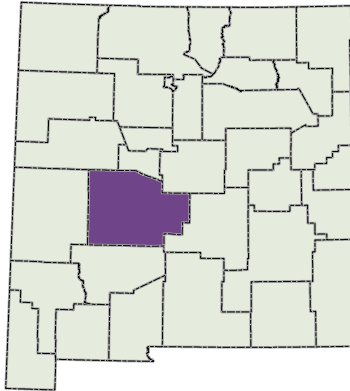
Contact : nm.broadband@state.nm.us



October 2012

Broadband Availability – Socorro County

New Mexico Broadband Program



County Seat: Socorro

Area (sq. miles): 6,649

Population (2010 Census): 17,866

Household (2010 Census): 8,059

List of Available Broadband Providers

- AT&T Mobility, LLC
- CenturyLink
- Comcast
- Cricket Communications, Inc.
- Plateau Telecommunications, Inc.
- Sprint
- T-mobile
- Tularosa Communications, Inc.
- Transworld Network, Corp.
- Verizon Wireless
- Windstream Communications
- WNM Communications
- Hughes Network Systems[§]
- Star Band Communications[§]
- ViaSat, Inc.[§]

Available Types of Technology

Cable, DSL, Fixed Wireless, Mobile Wireless and Satellite

Available Speeds*

- Maximum Advertised Download: 10 Mbps - 25 Mbps
- Minimum Advertised Download: 1.5 Mbps - 3 Mbps
- Maximum Advertised Upload: 1.5 Mbps - 3 Mbps
- Minimum Advertised Upload: 200 Kbps - 768 Kbps

Notes

- Broadband Data: Telecommunication Providers, as of 1 October 2012
- Demographic Data: US Census Bureau 2010 Decennial Census
- Geographic Data: EDAC/RGIS (Resource Geographic Information System, rgis.unm.edu)
- % Households: Graph provides approximate percentage of county households not served, dependent on data provided by the Telecommunication Provider. % Households not served is shown only for wire-line customers (Cable, Copper Wire, DSL and Fiber).

[§] Satellite Service Provider (satellite coverage is statewide and not displayed on the map)

* Speed depends on the type of broadband technology

File name: 492268nm920.pdf

Attachment E

**Western New Mexico Telephone Company, Inc.
Line 920 – Tribal Land Issues**



October 21, 2011

VIA USPS

Mr. Brian Tagaban
Executive Director
Navajo Nation Telecommunications Regulatory Commission
P.O. Box 7440
Window Rock, AZ 86515

RE: NNTRC-11-0001

Dear Mr. Tagaban:

Enclosed are comments on behalf of Western New Mexico Telephone Company, Inc. These comments are pursuant to NNTRC's Notice of Proposed Rulemaking Docket No. NNTRC-11-0001, "Application for Certificate of Convenience and Necessity (CCN)..

Upon your review, if you have any questions or comments, please contact me.

Respectfully yours,

A handwritten signature in blue ink that reads "John Francis". The signature is stylized with a large, looping initial 'J'.

John Francis
Executive Vice President

Enclosure

**BEFORE THE
NAVAJO NATION TELECOMMUNICATIONS REGULATORY COMMISSION**

**In the Matter of Application for
Certificate of Convenience
and Necessity (CCN)**

)
)
)
)

No. NNTRC-11-001

**WESTERN NEW MEXICO TELEPHONE COMPANY, INC.'S
COMMENTS TO NOTICE OF PROPOSED RULEMAKING**

Western New Mexico Telephone Company, Inc. (WNMT) submits these Comments to the Notice of Proposed Rulemaking ("NOPR") issued by the Navajo Nation Telecommunications Regulatory Commission ("NNTRC") on July 28, 2011.

WNMT's Comments are as follows:

1. WNMT appreciates the opportunity to provide input in connection with the NOPR. These Comments are being submitted to the NNTRC for the limited purposes of responding to the NOPR and providing relevant information regarding WNMT's existing operations and regulation in the State of New Mexico, including the specific areas where it serves customers located on land within or under the control of the Navajo Nation.

2. WNMT is an incumbent rural telecommunications carrier pursuant to Section 63-9H-3.I NMSA 1978 and is authorized by the New Mexico Public Regulation Commission ("NMPRC") to provide facilities-based local exchange and intralata interexchange services in the State of New Mexico. Today, WNMT provides service to approximately 5,300 residential and business customers in the State of New Mexico.

3. WNMT's Certificate of Convenience and Necessity ("CCN") to operate and provide telecommunications services in New Mexico was issued by the New Mexico State

Corporation Commission ("NMSCC"), the predecessor to the NMPRC, in 1974. In addition, the NMSCC and the NMPRC have approved WNMT's tariffs and exchange boundary maps, which are of record at the NMPRC.

4. WNMT's certificated service area includes nine exchanges that are located in Southwestern New Mexico. WNMT's CCN allows for the provision of service within the specific boundaries of these exchanges.

5. WNMT currently provides service to the "Magdalena" exchange, which includes the Town of Magdalena. Within this exchange WNMT provides service to customers within a small portion of the Navajo Nation known as "Alamo."

6. WNMT does serve customers living on land owned or controlled by the Navajo Nation, but believes this service should be considered minimal. Since WNMT's presence on Navajo lands is limited, and that WNMT is a small rural telecommunications carrier, the regulation contemplated by the NOPR would be excessive. In fact, the NOPR specifically states at ¶3.C that "The Act further provides that "[t]he commission may by rule or regulation exempt certain telecommunications services from the requirement of a certificate of convenience and necessity." Based on this provision, the NNTRC should adopt exemption criteria that allow carriers who have a limited presence to be exempt from the CCN requirements.

7. As noted above, WNMT is currently regulated by the NMPRC in all aspects of its operations. WNMT is also an Eligible Telecommunications Carrier ("ETC"), and therefore must meet requirements imposed on ETCs. The NMPRC's scope of regulation applies to all of WNMT's service area, including the Magdalena exchange, and the authority of the NMPRC to impose this regulation is clearly established by the New Mexico Constitution in Article XI, Section 2.

8. The regulation proposed in the NOPR essentially duplicates the regulation already imposed by the NMPRC. Moreover, there is no specific evidence identified in the NOPR that the public interest requires that there be dual regulation in this state. The NOPR states at ¶H that the NNTRC cannot fulfill its responsibilities if carriers don't obtain CCNs because: (a) universal service will not be insured, (b) there won't be effective competition, (c) there won't be efficient deployment of telecommunications infrastructure, (d) there won't be shared use of facilities, and (e) the NNTRC can't insure high quality of service. Yet, all of these stated concerns or deficiencies are current requirements that are already imposed by either state or federal law. As an ETC, WNMT must meet both state and federal ETC requirements, and must be certified each year by the NMPRC. There already is competition from different technologies (i.e., cellular, VoIP), and further competition will result from entities that develop networks with federal stimulus funding, such as the Navajo Nation. WNMT continues to deploy infrastructure where there is the requisite demand, where necessary rights-of-way can be obtained efficiently and at reasonable cost, and where tariffs are applied such as line extension policies. In addition, federal law and the applicable requirements for interconnection between carriers will govern any shared use of facilities. Finally, WNMT already must meet all service requirements throughout its service area that are imposed by the NMPRC and the FCC.

9. The imposition of additional regulation, will only lead to conflicting rules and regulations. The resulting conflict will lead to confusion and additional regulatory cost, and will adversely affect tribal members and the operations of the carriers.

10. In addition, the requirements proposed by the NOPR for applying for a CCN are both burdensome and unnecessary. WNMT already completed a similar complex process with the NMSCC, and a new requirement to repeat this process in light of its minimal

presence in the Magdalena exchange would be unreasonable. Exemption criteria can and should be created by the NNTRC to allow carriers such as WNMT, that have already obtained CCNs from the NMPRC or other state regulatory agency, to be exempt from further CCN requirements. Other considerations for alternative registration requirements could be used that are less burdensome than filing an application for a CCN.

11. The NOPR also requires the submission of extensive corporate financial information. Yet, the requested information has no particular relevance to WNMT's limited operations and presence in the Magdalena exchange. In addition, WNMT would not be in a position to provide financial information that is confidential or competitive in nature, in the absence of rules, provisions or other processes in place with the NNTRC to protect against public disclosure of this type of information. To the extent the NNTRC has the need to secure financial information regarding WNMT's publically available information, it is either accessible at the NMPRC or the Federal Communications Commission.

12. WNMT recognizes the concern of the Navajo Nation and the NNTRC to fully understand the extent of communications services being provided today and the infrastructure being placed on Navajo land. However, this concern does not warrant the imposition of a third layer of regulation. In fact, there are other means of existing oversight. Today, if a provider intends to place facilities on land within the Navajo Nation, that provider must first secure the appropriate permits and rights-of-way in order to conduct business. Presumably this process alone should provide the requesting government agencies with the necessary and pertinent information regarding the telecommunications facilities that will be placed on the land as well as the required consideration for payment of the right-of-way. This information is provided today without the imposition of the unnecessary and burdensome regulation being proposed in the NOPR. The Navajo Nation also has the statutory ability to

engage in cooperative efforts with the NMPRC in areas where they both have jurisdiction and can conduct joint investigations and hearings. See Section 8-8.4.B. (11) NMSA 1978. This is clearly an alternative mechanism that can be utilized by the Navajo Nation to pursue relevant initiatives with regard to telecommunications services and infrastructure.

13. The submission of these Comments is not intended as an acknowledgement of the NNTRC's regulatory jurisdiction over WNMT and does not constitute a waiver of WNMT's ability to contest the jurisdiction of the NNTRC in the appropriate forum.

14. In conclusion, WNMT urges the NNTRC to avoid the implementation of regulation that will duplicate regulation that is already statutorily imposed by the NMPRC and the FCC, and also to refrain from adopting rules and regulations that are burdensome or contradictory for providers. In addition, WNMT requests that any rules promulgated by the NNTRC create specific exemptions for providers that have a limited presence within the Navajo Nation or in those instances where CCNs have already been obtained from a state regulatory agency.

Dated: October 17, 2011

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "John Francis", is written over a horizontal line.

Executive Vice President
Western New Mexico Telephone Company, Inc.